

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 5149
)	(08 CR 543)
MARCUS TYMS,)	
)	
Defendant.)	

MEMORANDUM ORDER

In response to the self-prepared "Motion to Reconsider 28 U.S.C. 2255" that had been tendered by Marcus Tyms ("Tyms"), this Court gave him the benefit of the doubt by issuing a September 8, 2009 memorandum order that directed written responses to be provided by today's date by his original counsel J. Clifford Greene, Esq. and by the United States Attorney's office. Those responses are now in hand, and they clearly call for denial of Tyms' motion.

Tyms' substantive conduct, as disclosed in this case and in an earlier state prosecution, supplemented by other evidence of his disturbing sexual proclivities, reveals him to be a quite appalling young man. Nothing in what has come before this Court over the course of the case makes him a plausible candidate for any affirmative ruling as to his credibility. Indeed, if it were possible for Tyms to be objective in his self-perception, he too would recognize that the custodial sentence imposed on him by this Court was comparatively modest in relation to what an

evaluation of the factors set out in 18 U.S.C. §3553 could well have dictated.

Suffice it to say that the just-received submissions from attorney Greene and from Assistant United States Attorney Stephen Chahn Lee have made it abundantly clear that no evidentiary hearing is required to resolve Tyms' motion. This Court strongly suggests to Tyms that he read and take to heart those responses and that he seek to reshape his attitude during the lengthy prison term that he must serve so that when he does return to society he can become a constructive member. For now his current motion is denied, and his concurrent request for the appointment of counsel is denied as moot.

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: September 25, 2009